

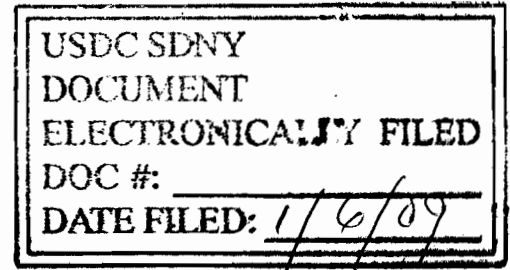
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1989  
MDL 1358 (SAS)  
M21-88

This Document Relates To:

*City of Lowell v. Amerada Hess Corp., et al.*  
Case No. 05-CV-4018



**STIPULATION AND ORDER OF DISMISSAL UNDER FED. R. CIV. P. 41**

The Plaintiff and the settling defendants, Giant Industries, Inc., Western Refining, Inc., Western Refining Yorktown, Inc. formerly known as Giant Yorktown, Inc., Western Refining Company, L.P., and Western Refining Southwest, Inc., formerly known as Giant Industries Arizona, Inc. and formerly doing business as Giant Refining Company ("Settling Defendants"), have advised the Court that they have resolved the matters between them and agreed to the entry of this Stipulated Order of Dismissal of the claims against the Settling Defendants identified above, as indicated by the signatures of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered, with the findings included below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the Parties to this Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of their agreement to settle this matter pursuant to a Settlement Agreement, a Release, and this Stipulated Order of Dismissal.

2. The parties to this Stipulation consent to the dismissal of this action as to Settling Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own costs and attorneys' fees.

Date: \_\_\_\_\_

1/6/09

SO ORDERED:



Judge \_\_\_\_\_

UNITED STATES DISTRICT JUDGE

AGREED TO AND ACCEPTED BY:

\_\_\_\_\_  
Cary L. McDougal

Scott Summy

Carla M. Burke

BARON & BUDD, P.C.

3102 Oak Lawn Avenue, Suite 1100

Dallas, TX 75219-4281

Telephone: 214-523-6267

Facsimile: 214-520-1181

cmcdougal@baronbudd.com

ssummy@baronbudd.com

cburke@baronbudd.com

Robert J. Gordon

Robin L. Greenwald

WEITZ & LUXENBERG, P.C.

180 Maiden Lane, 17<sup>th</sup> Floor

New York, NY 10038-4925

Telephone: 212-558-5505

Facsimile: 212-558-5500

rgordon@weitzlux.com

rgreenwald@weitzlux.com

*Attorneys for Plaintiffs*

\_\_\_\_\_  
Robert F. Redmond, Jr.

Clement D. Carter

Gray B. Broughton

WILLIAMS MULLEN

1021 E. Cary Street

Richmond, VA 23219

Telephone: 804-783-6931

Facsimile: 804-783-6507

rredmond@williamsmullen.com

ccarter@williamsmullen.com

gbroughton@williamsmullen.com

*Attorneys on behalf of Settling Defendants*